

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. MBHB00-1243-A)

In re Application of:

Paul Sammak et al.

Serial No.: 09/997,821

Filed: November 30, 2001

For: Microbead Test Plates and Test Methods for
Fluorescence Imaging Systems



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JAN 10 2002
TC 2800 MAIL ROOM

Art Unit: 2878

Examiner: To be assigned

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231


BEST AVAILABLE COPY

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Information Disclosure Statement (IDS);
 - b) Form PTO-1449 including (22 cited references); and
 - c) Return receipt postcard.
2. With respect to fees:
 - a) X No fee is required
3. Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
4. **CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in a box addressed to: Commissioner for Patents, Washington, D.C. 20231, on January 4, 2002. Express Mail No. **EL603711505US**.

Respectfully submitted,



David S. Harper
Registration No. 42,636



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INFORMATION DISCLOSURE STATEMENT

**Commissioner for Patents
Washington, D.C. 20231**

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

United States Patents

1. Schwartz, United States Patent No. 4,689,307, issued August 25, 1987.
2. Schwartz, United States Patent No. 4,767,206, issued August 30, 1988.

3. Schwartz, United States Patent No. 4,774,189, issued September 27, 1988.
4. Schwartz, United States Patent No. 4,868,126, issued September 19, 1989.
5. Vogt et al. United States Patent No. 5,084,394, issued January 28, 1992.
6. Schwartz, United States Patent No. 5,093,234, issued March 3, 1992.
7. Schwartz et al., United States Patent No. 5,380,663, issued January 10, 1995.
8. Zhang et al., United States Patent No. 5,786,219, issued July 28, 1998.
9. Dunlay et al., United States Patent No. 5,989,835, issued November 23, 1999.
10. Zelmanovic et al., United States Patent No. 6,074,879, issued Jun 13, 2000.
11. Taylor, United States Patent No. 6,103,479, issued August 15, 2000.
12. Felder et al., United States Patent No. 6,232,066, issued May 15, 2001.
13. Kris et al., United States Patent No. 6,238,869, issued May 29, 2001.

Foreign Documents

14. Dunlay, et al., WO 98/38490, published September 3, 1998.

Other Documents

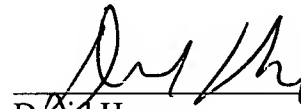
15. DeBiasio et al., (1996) *Mol. Biol. Cell.* 7:1259.
16. Farkas et al. (1993) *Ann. Rev. Physiol.* 55:785-817.
17. Giuliano and Taylor (1995), *Curr. Op. Cell Biol.* 7:4-12.
18. Giuliano et al. (1990) *Optical Microscopy for Biology*. pp. 543-557.
19. Giuliano et al., (1995) *Ann. Rev. Biophys. Biomol. Struct.* 24:405-434.
20. Hahn et al (1992) *Nature* 359:736-738.
21. Heim and Tsien, (1996) *Curr. Biol.* 6:178-182.
22. Waggoner et al. (1996) *Hum. Pathol.* 27:494-502.

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Respectfully Submitted,

Dated: January 4, 2002

By:



David Harper
Reg. No. 42,636
**McDonnell, Boehnen
Hulbert & Berghoff**
300 South Wacker Drive
Chicago, IL 60606

FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Dock t No.

00-1243-A

Serial N .

09/997,821



**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use several sheets if necessary)

Applicant:

Paul Sammak et al

Filing Date:

November 30, 2001

Group:

2878

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	4,689,307	Aug 25, 1987	Schwartz			
	2.	4,767,206	Aug 30, 1988	Schwartz			
	3.	4,774,189	Sept 27, 1988	Schwartz			

FOREIGN PATENT DOCUMENTS

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	14.	WO 98/38490	Sept 3, 1998					


OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

	15.	DeBiasio et al., (1996) <i>Mol. Biol. Cell.</i> 7:1259.
	15.	Farkas et al. (1993) <i>Ann. Rev. Physiol.</i> 55:785-817.
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EXAMINER		DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

FORM PTO-1449 (Rev. 2-32)	U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. 00-1243-A	Serial No. 09/997,821
			Applicant: Paul Sammak et al	
			Filing Date: November 30, 2001	Group: 2878

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	4.	4,868,126	Sept 19, 1989	Schwartz			
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							Yes	N

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	20.	Hahn et al (1992) <i>Nature</i> 359:736-738.
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